

**TOWN OF EAST HAMPTON  
AGENDA REPORT**

Agenda Item: 6a

Item to be presented by:  
Ruth G. Plummer Parks and Recreation Director

DATE: May 23, 2013

SUBJECT: Tractor Replacement

DEPARTMENT: Parks and Recreation

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**RECOMMENDED ACTION**

It is recommended that the purchase contract in the amount of \$21,000 be awarded to Kahn's Tractor & Equipment Inc. using the DAS price schedule.

**BACKGROUND**

Kahn's Tractor & Equipment has supplied a price using the State of CT Department of Administrative Services purchasing agreement, under contract # 10PSX0307.

We are currently using a tractor that is at least 25 years old. It runs poorly, breaks down often and cannot be retrofitted with modern attachments.

**ALTERNATIVE ACTIONS**

None

**FISCAL IMPACT**

\$21,000 is budgeted in the approved 2013-2014 fiscal year Capital Improvement Plan. Beginning the process now, will allow us to take delivery of the equipment July 1, 2013. The cost of the tractor is \$17,000; an 18% savings by purchasing off the State DAS contract. The \$4000 remaining will be used to purchase two attachments used for turf maintenance; a 10% savings is realized on attachments using the State contract.

## **SECTION 17 - AGRICULTURAL AND LIVESTOCK**

### **17.1 - Purpose**

The purpose of this section is to provide adequate safeguards to preserve and protect agricultural uses and the keeping of domestic livestock and to ensure that these uses do not create a negative impact on adjacent uses.

### **17.2 - Applicability**

This Regulation shall not be considered applicable to the growing of garden crops for the use of the occupants of the property. Agriculture shall mean "The use of land for agricultural purposes, including farming, dairying, pasturage, horticulture, floriculture, animal and poultry husbandry, etc., when such use is the principle use of the land". For the purpose of enforcement, the Animal Control Officer is designated to enforce this section.

### **17.3 - Classification of Livestock**

Livestock kept for personal use, except dogs, cats, and other small, domesticated animals, shall be classified as follows:

CLASS 1 - Farm livestock, small: animals such as poultry and other fowl, rabbits, and animals similar in size and weight.

CLASS 2 - Farm livestock intermediate: animals such as goats, sheep and hogs.

CLASS 3 - Farm livestock, large: horses, cattle, and animals of similar stature.

### **17.4 - Acreage**

There shall be a minimum of three-fourths (3/4) acre in lot area for the first Class 2 yearling or older being kept and an additional one-half (1/2) acre for each additional Class 2 yearling or older. There shall be three-fourths (3/4) acre above the minimum lot size for the first Class 3 yearling or older being kept, including horses, and an additional (1/2) acre for each additional yearling or older.

### **17.5 - Fencing**

Adequate fencing shall be installed and maintained to contain all livestock within the premise.

### **17.6 - Setback**

All structures and enclosures, except perimeter fencing, shall be located not closer than one hundred feet (100') from any street line and not closer than forty feet (40') from any lot line.

### **17.7 - Use of Buildings**

Buildings shall be used to house all livestock, vehicles, implements, and supplies related to agricultural and personal livestock uses. Outside storage shall be prohibited.

### **17.8 - Sanitation**

All living quarters of livestock shall be maintained to control pollution, rodents, insects and odor. The keeping of manure must not create a health hazard nor shall it be in a location where it can be detected by neighboring properties.

### **17.9 - Lighting**

External floodlighting shall be appropriately shaded and directed to prevent transmission beyond the lot where it originated and prevent objectionable brightness, as determined by the Zoning Enforcement Officer.

### **17.10 - Commercial Stables**

The Planning and Zoning Commission may permit, as a Special Permit and following a public hearing thereon, the commercial use of land, buildings and other structures for the following horse related activities: riding academies, livery and boarding stables, animal and convalescent stables, rental and hacking stables, breeding stock farms, and private club riding stables in accordance with Sections 28 and 29 in addition to the following standards.

1. Acreage: The barns, riding rings, corrals and accessory facilities shall be contained within one parcel of suitably drained land consisting of at least ten (10) acres.
2. Parking: Sufficient off-street parking facilities should be provided to accommodate all users and visitors to the property, including spectators, for horse shows or similar events. The roads for entering and leaving the property shall not be located or placed in a manner to create pedestrian or vehicular traffic hazard on the public street or highway.

There shall be five (5) off-street parking spaces plus one space for each five (5) users, based on the capacity of the stalls provided.

3. Health: Stable manure must not create a health hazard from an air and water pollution standpoint to the community in general or the persons inhabiting or using the surrounding acreage, and therefore, the stabling of horses shall conform to all regulations of local and state health authorities.

Toilet facilities shall be provided for in accordance with local health requirements for normal operations as well as for horse shows and similar activities.

4. Fencing: Adequate fencing shall be installed and maintained to contain the horses within the property.
5. Fire: Fire control facilities for the barns, buildings and other facilities used for normal operations as well as for horse shows and similar activities shall be acceptable to the Town Fire Chief.
6. Public Safety: Personnel and facilities to control traffic and pedestrian movement at public shows or other activities shall be provided in a manner acceptable to the Town Police Chief and at the expense of the operator or owner of the stable.
7. Noise: The use of public address systems, the conduct or the instruction of riders, training of horses and the spectator participation in competitions shall be modulated and continuously controlled in order to avoid becoming a nuisance to surrounding neighbors.

8. Setback: No building, riding ring, corral or manure pit used for or in conjunction with the operations, shall be located in a manner that any part thereof shall be less than one hundred feet (100') from the nearest line of any road, street or highway abutting the property or any side and rear boundary line.
9. Use of Buildings: The use of temporary buildings or trailers for the stabling of horses in excess of seven (7) days is prohibited. There shall be no storage of supplies outside of permanent buildings.
10. Maintenance: The areas should be landscaped to harmonize with the character of the neighborhood. The land shall be so maintained that it will not create a nuisance as determined by the local zoning authority. The manure storage area shall be so screened that it will not be unsightly.
11. Lighting: External floodlighting shall be appropriately shaded and directed to prevent transmission beyond the lot where it originates and prevent objectionable brightness, as determined by the Planning and Zoning Commission and/or the Zoning Enforcement Officer.

#### **Section 17.11 - Commercial Kennels**

Commercial kennels may be allowed as Special Permit uses in accordance with Section 29 in the Commercial (C), Industrial (I), R3 and R4 Zones and the following special provisions:

##### **Section 17.11.1 - Special Provisions**

###### **A. General**

1. All kennels shall be planned in accordance with Connecticut General Statutes 22-342 and proposals shall be submitted to the East Hampton Canine Control Officer for review.
2. All kennels shall be designed to provide adequate provisions to limit the emission of sound from the property.
3. Adequate provisions for the proper treatment of waste shall be in accordance with the Connecticut Public Health Code and, if applicable, the Water Pollution Control Authority.
4. Evidence shall be shown that professional affiliation with the American Boarding Kennels Association or similar organizations has been maintained and that the guidelines and standards of such organizations are followed.
5. All animals shall be confined indoors between the hours of 8:00 p.m. and 8:00 a.m.
6. A site plan in accordance with Section 28 shall be submitted and shall be in compliance with the provisions therein.

###### **B. Commercial and Industrial Zones**

1. Lot must contain a minimum of forty thousand (40,000) square feet.
2. Commercial kennels proposed in these zones must be so designed that all animals at all times, including exercise, must be housed inside the enclosed weather tight perimeter of the building. Such indoor kennels must provide:
  - A. Adequate ventilation
  - B. Inside exercise and run areas
  - C. Provisions to store all materials and supplies within the building
  - D. Evidence that the building design has considered acoustic attenuation to the greatest degree possible.

C. R3 and R4 Zones

1. Lot must contain ten (10) acres minimum.
2. Kennels in these zones may utilize outdoor exercise and run areas for animals if it can be shown that the building or site characteristics and/or the proposed location provide adequate assurance that the sound of all kennel activities shall be confined to the property.

# RIGHT TO FARM ORDINANCE

Revised: December 5, 2012

## Purpose and Intent

Agriculture plays a significant role in East Haddam's heritage and future. East Haddam officially recognizes the importance of farming to its rural quality of life, heritage, public health, scenic vistas, tax base, wetlands, wildlife and local economy. This Right to Farm ordinance encourages the pursuit of agriculture, promotes agriculture based opportunities, and protects farmland within East Haddam by allowing agricultural uses and related activities to function with minimal conflict with neighbors and Town agencies.

It is the declared policy of the Town of East Haddam to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food and other agricultural products and for its natural and ecological value. It is hereby determined that whatever impact may be caused to others through generally accepted agricultural practices, such impact is offset and ameliorated by the benefits of farming to the neighborhood and society in general.

Pursuant to the powers conferred by Section 7-148 ( c ) (7) (e), (8), and (10) (A), and in furtherance of the goals of Section 19a-341 of the General Statutes **as amended**, the Town of East Haddam adopts this ordinance. (Ordinance adoption date \_\_\_\_\_)

From the Connecticut General Statutes as amended - Section 1-1(q)  
Except as otherwise specifically defined, the words "agriculture" and "farming" shall include cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by a storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches,

canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale. The term "farm" includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoopouses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities. The term "aquaculture" means the farming of the waters of the state and tidal wetlands and the production of protein food, including fish, oysters, clams, mussels and other molluscan shellfish, on leased, franchised and public underwater farm lands. Nothing herein shall restrict the power of a local zoning authority under chapter 124.

### **The Right to Farm**

**Connecticut General Statutes - Sec. 19a-341. Agricultural or farming operation not deemed a nuisance; exceptions. Spring or well water collection operation not deemed a nuisance. (a)** Notwithstanding any general statute or municipal ordinance or regulation pertaining to nuisances to the contrary, no agricultural or farming operation, place, establishment or facility, or any of its appurtenances, or the operation thereof, shall be deemed to constitute a nuisance, either public or private, due to alleged objectionable

- (1) odor from livestock, manure, fertilizer or feed,
- (2) noise from livestock or farm equipment used in normal, generally acceptable farming procedures,
- (3) dust created during plowing or cultivation operations,
- (4) use of chemicals, provided such chemicals and the method of their application conform to practices approved by the Commissioner of Energy and Environmental Protection or, where applicable, the Commissioner of Public Health, or

(5) water pollution from livestock or crop production activities, except the pollution of public or private drinking water supplies, provided such activities conform to acceptable management practices for pollution control approved by the Commissioner of Environmental Protection;

provided such agricultural or farming operation, place, establishment or facility has been in operation for one year or more and has not been substantially changed, and such operation follows generally accepted agricultural practices.

Inspection and approval of the agricultural or farming operation, place, establishment or facility by the Commissioner of Agriculture or his designee shall be prima facie evidence that such operation follows generally accepted agricultural practices.

(b) Notwithstanding any general statute or municipal ordinance or regulation pertaining to nuisances, no operation to collect spring water or well water, as defined in section 21a-150, shall be deemed to constitute a nuisance, either public or private, due to alleged objectionable noise from equipment used in such operation provided the operation

(1) conforms to generally accepted practices for the collection of spring water or well water,

(2) has received all approvals or permits required by law, and

(3) complies with the local zoning authority's time, place and manner restrictions on operations to collect spring water or well water.

(c) The provisions of this section shall not apply whenever a nuisance results from negligence or wilful or reckless misconduct in the operation of any such agricultural or farming operation, place, establishment or facility, or any of its appurtenances.

### **Other Regulations, Ordinances, and Rules**

Nothing contained in this ordinance shall restrict the power of the East Haddam Inland Wetlands and Watercourses Commission, Planning and Zoning Commission, Building Department, Fire Commissioners or the Chatham Health District as granted by Connecticut General Statutes. *Commissions and Boards are* urged to continue to adopt regulations consistent with this ordinance, and to make the permanent preservation of farmland within this Town, a criterion in its

planning and policy decisions.

## **SEVERABILITY**

If any part of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this ordinance. The Town of East Haddam hereby declares the provisions of this ordinance to be severable.

\* This ordinance shall take effect fifteen (15) days after publication in accordance with the Connecticut General Statutes.

Dated at East Haddam, Connecticut this \_\_\_\_\_ day of \_\_\_\_\_.

Effective the \_\_\_\_ the day of \_\_\_\_\_.

There are no tax refunds for the 5/28/2013 meeting.

Thank you.